PART IV

Section 1-A

CENTRAL BILLS AND REORTS OF SELECT COMMITTEES THEREON

LAW SECRETARIAT

NOTIFICATION

(LAW DEPARTMENT)

No. LAW 121 *LCA* 65, *Bangalore, dated 25th February—4th March* 1966.

Ordered that the Maternity Benefit (Amendment) Bill, 1965, (Central Bill No. XVIII of 1965 of Rajya Sabha), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 2, dated the 11th December 1965, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secretary to Government,
Law Department.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 11th Deeember, 1965 :—

BILL NO. XVIII OF 1965

A bill to amend the Maternity Benefit Act, 1961.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Maternity Benefit (Amendment) Act, 1965.

2. *Amendment of Section* 2.—In Section 2 of the Maternity Benefit Act, 1961 [53 of 1961], (hereinafter referred to as the principal Act), in sub-section (2), for the words "Nothing contained in this Act", the words, figure and letter "Save as otherwise provided in Section 5A, nothing contained in this Act" shall be substituted.

3. *Insertion of new Section* 5A.—After Section 5 of the principal Act, the following section shall be inserted, namely :—

"5A. *Continuanc of payment of maternity benefit in certain cases.*—Every woman entitled to the payment of maternity benefit under this Act shall, notwithstanding the application of the Employees' State Insurance Act, 1948 [34 of 1948], to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under Section 50 of that Act."

STATEMENT OF OBJECTS AND REASONS

The Maternity Benefit Act, 1961 does not, by reason of the provisions of sub-section (2) of Section 2 thereof, apply to any factory, or other establishment to which the provisions of the Employees' State Insurance Act, 1948, apply. Consequently, a woman worker employed in a factory or other establishment and entitled to maternity benefit under the Maternity Benefit Act, 1961, ceases to be so entitled when the provisions of the Employees' State Insurance Act, 1948 become applicable to such factory or establishment. But, such a woman unless she fulfils the conditions laid down under Section 50 of the Employees' State Insurance Act, 1948 is not qualified to claim any maternity benefit thereunder. Thus, she is deprived of maternity benefit under both the Acts. To remove this lacuna, it is proposed to amend the Maternity Benefit Act, 1961, so as to provide that in the event of the application of the Employees' State Insurance Act, 1948 to any factory or establishment, maternity benefit under the Maternity Benefit Act would continue to be available to women workers therein, until they become qualified to claim similar benefit under the Employees' State Insurance Act.

D. SANJIVAYYA.

NEW DELHI,

The 7th December, 1965.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to introduce a new Section 5A in the Maternity Benefit Act, 1961. This Section provides for continuance of payment of maternity benefit under the Maternity Benefit Act, 1961, to women workers working in a factory or establishment to which the provisions of the Employees' State Insurance Act, 1948, have become applicable, until such time as they become entitled to similar benefit under the Employees' State Insurance Act, 1948. This imposes a financial liability on employers (including the Central Government) to pay the maternity benefit in such cases. It is, however, difficult to estimate the number of women workers in Central Government factories or establishments who will be eligible for maternity benefit under the proposed section. It is, therefore, not possible to give a precise estimate of the additional expenditure involved from the Consolidated Fund of India on this account.

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